

Via ECFS

August 11, 2005

Deleted: August 10, 2005

Marlene H. Dortch  
Office of the Secretary  
Federal Communication Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: WC DOCKET NO. 05-196 – SUBSCRIBER NOTIFICATION REPORT

Dear Ms. Dortch:

Pursuant to the Enforcement Bureau's July 26, 2005 Public Notice (DA 05-2085) Pacific LightNet, Inc. (PLNI) hereby submits the following Subscriber Notification Report detailing the status of our efforts to comply with the notification and acknowledgment requirements of the FCC's *VoIP E911 Order*.<sup>1</sup>

- Actions Taken To Advise Subscribers:
  - The limitations and circumstances under which e911 service may not be available through PLNI's interconnected VoIP service have been included in our terms and conditions since the initial release of the service in October 2004.
  - In the first week of July, 2005, PLNI added an advisory in prominent and plain language regarding the limitations and circumstances under which e911 service may not be available through PLNI's interconnected VoIP service, including the differences between dialing 911 using a VoIP phone versus a traditional TDM phone (hereafter, collectively, "E911 Limitations") to the e911 pages of our website, and a reference to that advisory whenever "e911 Support" is clicked on other pages.
  - On July 18, 2005, we added prominent and plain language regarding the E911 Limitations to the sign-up process and required new customers to affirmatively and specifically acknowledge these limitations by checking a separate box before continuing with the sign-up process.
  - On July 27, 2005, PLNI sent a postal letter to all subscribers outlining in prominent and plain language the E911 Limitations. This letter also contained a sticker that we directed the customer to apply to or near the device that they use to place VoIP calls. This letter included a statement of acknowledgement that the customer could mail back to PLNI, or, alternatively, could agree to via the management website for their account. This letter also notified subscribers that their service would be suspended on August 30, 2005 if their affirmative acknowledgement was not received by August 29, 2005.

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<sup>1</sup> *IP-Enabled Services and E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 2005 WL 1323217, FCC, (rel. Jun 3, 2005).

- On July 27, 2005, PLNI modified the account management system to require customers to affirmatively acknowledge the E911 Limitations. Failure to make the acknowledgement withholds access to the management system.
- On July 28, 2005, PLNI emailed the customer base with the same letter that was sent via postal mail and requested that the customers log into their management account to acknowledge their receipt and acceptance of the E911 Limitations.
- Affirmative Acknowledgement Quantification, as of August 9, 2005:
  - Percentage of customers who have submitted an affirmative acknowledged: 34%
  - Percentage of customers from whom we do not expect to receive an affirmative acknowledge by August 29, 2005: 40%
- Distribution of Warning Stickers
  - In the letter sent to the customer base on July 27, 2005, PLNI included a sticker outlining the E911 Limitations and advised the customer to place this sticker on or near the device that is used to make VoIP calls.
  - PLNI distributes stickers with all of the Analog Terminal Adapters (ATAs) sent out since July 27, 2005.
- Quantification of Subscribers That Have Not Received The Advisory Or Did Not Receive Warning Stickers
  - Approximately 15% of the postal letters were returned to PLNI as undelivered. These customers have not yet received the warning sticker; however, PLNI believes these customers have received the advisory of the E911 Limitations by e-mail. In any event, PLNI is in the process of attempting to attain the subscribers' correct mailing addresses and will resend the returned letters by August 19 2005.
- Future Actions
  - Between now and August 29, 2005, PLNI will send at least two additional email letters to subscribers that have not yet submitted affirmative acknowledgements. In addition, PLNI may follow up with a phone call to those subscribers that have still not complied and will send out an additional reminder email on August 26, 2005 and August 29, 2005. On August 30 2005 PLNI intends to suspend service to any subscriber who has not made an affirmative acknowledgement.
- Maintenance of Received Acknowledgements
  - All postal mail acknowledgements are maintained in a file in the PLNI Main Office.
  - All electronic acknowledgements are stored in the PLNI VoIP database.
- Company Compliance Contact
  - Michael Frane  
Director of Strategic Business Operations  
737 Bishop Street  
Suite 1900  
Honolulu, HI 96813

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Sincerely,

Michael Frane  
Director of Strategic Business Operations